THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.24420 of 2003

Dated 08-08-2007

Between:

G. Sunitha

…Petitioner

And

The Collector and District Magistrate,
Anantapur District, and others.

…Respondents

THE HON'BLE MR JUSTICE L. NARASIMHA REDDY

Writ Petition No.24420 of 2003

ORDER:

The Revenue Divisional Officer, Anantapur Division, the 3rd respondent, issued a notification dated 06-04-1999, inviting

applications for appointment of Dealers, for fair price shop at Ullikantipalli Village, Singanamala Mandal, of Anantapur District. The petitioner and the 6th respondent submitted their applications. Through his proceedings, dated 24-04-1999, the 3rd respondent appointed the 6th respondent as Dealer. The petitioner states that she passed the S.S.C; whereas the 6th respondent had passed V Class. Complaining that the appointment of the 6th respondent was contrary to G.O.Ms.671, dated 30-11-1996, petitioner preferred an appeal before the 2nd respondent. Through his order dated 28-06-1999, the 2nd respondent allowed the appeal, and set aside the appointment of the 6th respondent. A revision was preferred before the 1st respondent, by the 6th respondent. It has been allowed, through order dated 16-09-2003, on the ground that the petitioner was not a resident of the village, and that there is some controversy as to the description of the petitioner. The said order is challenged in this writ petition.

Heard the learned counsel for the petitioner, and learned Government Pleader for Civil Supplies. None appears for the 6th respondent.

Only two applications were received, in response to the notification dated 06-04-1999. Out of the two, petitioner possessed the qualification of S.S.C, whereas the 6th respondent passed V Class. In his orders dated 24-04-1999, the 3rd respondent found 6th respondent to be fit, for being appointed. A reading of the order discloses that, he did not bestow any attention to the qualifications, held by the applicants. Further, nothing was pointed out against the petitioner, *be it*, as regards her eligibility, or place of residence.

In the appeal preferred by the petitioner, the 2nd respondent discussed the matter at length, and found that the appointment of the 6th respondent is in violation of G.O.Ms.No.671, dated 30-11-1996. The relevant provision mandated that the qualification to be held by a candidate is SSC, and it is only when the qualified candidates are not available, that those, without that qualification, can be considered; was referred to.

The 1st respondent reversed the order of the 2nd respondent on a totally different ground. According to him, the petitioner is not a resident of the village, and there is discrepancy as to her description. The explanation offered by the petitioner, as to the minor discrepancy is on account of the fact that she got married after the certificate was issued; was not taken serious note of. Further, when the Mandal Revenue Officer himself certified the petitioner to be the resident of the village, the 1st respondent proceeded on a totally different lines. It was not at all open to him to invoke any ground, other than the one, which is borne out by record.

During the course of hearing, learned Government Pleader brought to the notice of this Court, that the authorization of the 6th respondent was suspended, on 18-10-2004, and a person by name, A.V.S. Reddy, has been appointed, as a temporary Dealer. The vacancy was earmarked for B.C-Woman.

Under these circumstances, the writ petition is allowed, and the 3rd respondent is directed to consider the case of the petitioner for appointment of Dealer, for the shop in question.

There shall be no order as to costs.

L. NARASIMHA REDDY, J.

Dt.08-08-2007.

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